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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

EARLY WARNING SERVICES, LLC

Plaintiffs,  
v.

MR. WARREN V. JOHNSON;  
BRANDON O'LOUGHLIN; P.A.Z.E.,  
LLC

Defendants.

Case No.: CV24-01587-PHX-SMB

**DEFENDANT'S  
CONSOLIDATED  
EMERGENCY MOTION FOR  
LEAVE TO FILE MOTION  
FOR APPOINTMENT OF  
NEUTRAL FORENSIC  
EXAMINER AND COURT  
REPORTER**

**DEFENDANT'S CONSOLIDATED EMERGENCY MOTION FOR LEAVE TO  
FILE MOTION FOR APPOINTMENT OF NEUTRAL FORENSIC  
EXAMINER AND COURT REPORTER**

**I. RELIEF REQUESTED**

Pursuant to the Case Management Order (Dkt. 197), Defendant Warren Vurl Johnson, proceeding *pro se*, respectfully moves for LEAVE to file the attached **Emergency Motion for Appointment of Neutral Forensic Examiner and Court Reporter** (Exhibit A).

**II. GOOD CAUSE AND EXTRAORDINARY CIRCUMSTANCES**

The Case Management Order generally prohibits written discovery motions without leave. However, extraordinary circumstances necessitate this written request regarding the conference scheduled for December 26, 2025:

1. **Conflict of Interest (Federal Investigation):** Defendant anticipates Plaintiff will seek forensic imaging of his devices. On December 22, 2025, Defendant

1 submitted evidence to federal authorities regarding Plaintiff. Consequently,  
2 Defendant's devices contain confidential communications with federal law  
3 enforcement *about* the Plaintiff.

4 2. **Need for Neutrality:** Allowing Plaintiff's private vendor to seize and image  
5 these devices would grant the target of a federal inquiry access to the  
6 whistleblower's confidential disclosures. This creates an irreconcilable conflict  
7 of interest that requires a **Neutral Forensic Examiner** rather than Plaintiff's  
8 private agent.

9 3. **Need for Record:** Because this dispute involves the potential seizure of  
10 privileged federal communications and Fourth Amendment property rights, a  
11 verbatim record is required for appellate review. The current telephonic  
12 conference format does not guarantee a record.

13 Defendant seeks leave to file the attached motion to preserve these specific  
14 objections prior to any off-the-record ruling.

15  
16 **Dated:** December 25, 2025

17 **Respectfully submitted,**  
18 /s/ Warren V. Johnson  
19 Warren V. Johnson  
20 215 E 18th St  
21 Lawrence, KS 66044  
22 [warrenvjohanson@gmail.com](mailto:warrenvjohanson@gmail.com)  
23  
24  
25  
26  
27  
28

**Certificate of Service**

I, Warren V. Johnson, hereby certify that on December 25, 2025, I electronically filed the foregoing DEFENDANT’S CONSOLIDATED EMERGENCY MOTION FOR LEAVE TO FILE MOTION FOR APPOINTMENT OF NEUTRAL FORENSIC EXAMINER AND COURT REPORTER with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/Warren V Johnson/

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NEUTRAL FORENSIC EXAMINER AND COURT REPORTER**

**I. INTRODUCTION**

Defendant anticipates that during the December 26, 2025 conference, Plaintiff will seek an order compelling forensic imaging of Defendant's personal devices. Defendant objects to any imaging performed by Plaintiff's private vendor. Because Defendant has recently acted as a whistleblower to federal authorities regarding Plaintiff's conduct, Plaintiff's possession of Defendant's data constitutes a severe conflict of interest.

**II. ARGUMENT**

**A. Neutral Forensic Examiner is Required to Protect Federal**

Investigation Data Defendant has provided specific evidence to federal law enforcement and regulatory agencies regarding Plaintiff. If Plaintiff's private vendor creates a "mirror image" of Defendant's devices, they will

1 seize the very evidence and communications Defendant provided to the  
2 government. This risks:

- 3 1. Improper interference with protected federal reporting processes: Exposing  
4 confidential whistleblower communications to the target of the  
5 investigation.
- 6 2. Prejudice: Giving Plaintiff an unfair advantage by accessing Defendant's  
7 privileged strategies and government correspondence.

8 Defendant requests that if imaging is ordered, the Court appoint a Neutral  
9 Forensic Examiner (Special Master). This Neutral Examiner would act as a  
10 gatekeeper, reviewing the data to filter out federal investigation communications  
11 before releasing any relevant documents to Plaintiff. *See, e.g., In re Ford Motor Co.*,  
12 345 F.3d 1315 (11th Cir. 2003) (appointing special master for imaging to protect  
13 privacy and privilege).

#### 14 **B. A Court Reporter is Necessary for Due Process**

15 The issues pending before this Court involve the seizure of personal  
16 property and the integrity of federal reporting channels. These are  
17 dispositive constitutional issues, not routine discovery disputes. Defendant  
18 respectfully requests that the Court ensure a Court Reporter is present for  
19 the December 26, 2025 conference to create a verbatim record. Proceeding  
20 "off the record" on matters of this magnitude would deprive Defendant of  
21 meaningful appellate review.

## 22 **II. CONCLUSION**

### 23 **Defendant respectfully requests the Court:**

- 24 1. APPOINT a Neutral Forensic Examiner to handle any required data  
25 imaging;
- 26 2. PROHIBIT Plaintiff's private vendor from accessing Defendant's devices  
27 directly; and
- 28 3. ORDER that the December 26 conference be recorded.

**DATED: December 25, 2025**

**Respectfully submitted,**

/s/Warren V Johnson/

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